

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**Honorable Patty Shwartz
United States Magistrate Judge**

**U.S. Post Office & Courthouse Bldg.
Federal Square, Newark, NJ 07101**

October 26, 2010

Joseph Amari D-83879
Bergen County Jail
160 South River Road
Hackensack, New Jersey 07601

LETTER ORDER

**RE: U.S. vs. Joseph Anthony Amari
Crim. N. 09-879**

Dear Mr. Amari:

The Court is in receipt of your letter dated October 22, 2010 regarding the search and desire for a hearing. This case is assigned to Hon. Katharine S. Hayden. As your attorney has explained, Her Honor has not set a date for motions and may be awaiting the conclusion of the state case before setting a schedule in this case. In addition, because you are represented by counsel, applications on your behalf must be made through counsel and directed to Judge Hayden. As a courtesy, the Court is providing counsel in this case with a copy of your letter and directing that they take whatever action they deem appropriate.

SO ORDERED.

s/Patty Shwartz
United States Magistrate Judge

cc: Chester Keller, FAFPD
John Carney, AUSA

LEGAL LETTER

Date, 10/22/10

Honorable Patty Shwartz, J.F.D.C.
Federal District Court, Newark
Martin Luther King
Federal Building, U.S. Courthouse
50 Walnut Street
Newark, NJ 07101

Joseph Amari D-83879
Bergen County Jail
160 South River Street
Hackensack, NJ 07601

Re.: U.S. v. Joseph Amari

Indictment No.: _____

Honorable Patty Shwartz, J.F.D.C.;

This is a follow-up to my October 12th, 2010, letter regarding the need for a suppression motion due to an illegal search and seizure. Although I have not heard back from the court on this issue, I have received a letter from my Public Defender Chester Keller, my defense counsel in this matter, stating that he believes that Your Honor wants to hold this matter in abeyance until the State matter is resolved. For this reason, I must ask the court to reconsider its position if this is the case. The evidence for both the State matter and the Federal matter are tied together by the federal search warrant. The State matter is thus dependant on the Federal matter for its resolution.

The court is aware that a 'fruit of the poisonous tree' claim stemming from a federal case will affect a State matter which has branched out from it. A motion at the State level for suppression of evidence due to said 'fruit of the poisonous tree' will require a decision at the federal level be made. With this in mind then, it is only logical and straight forward to request Your Honor to hold a hearing regarding the legality of the search at a minimum in order that the State case can move forward. Otherwise, both the Federal matter and the State matter suffer from a proverbial catch 22.

In lieu of the aforementioned, I am requesting Your Honor to move forward with the Federal matter at a minimum by holding a hearing regarding the legality of the search in order that the State matter may move forward.

Respectfully submitted,

Joseph Amari
Joseph Amari

OCT 26 2010

**FEDERAL PUBLIC DEFENDER
DISTRICT OF NEW JERSEY**

RICHARD COUGHLIN
FEDERAL PUBLIC DEFENDER

1002 BROAD STREET
NEWARK, NEW JERSEY 07102
(973) 645-6347 Telephone
(973) 645-3101 Facsimile
(973) 297-4807 Facsimile

CHESTER M. KELLER
FIRST ASSISTANT

October 18, 2010

Joseph Amari
D-83879
Bergen County Jail
160 South River Road
Hackensack, NJ 07601

Dear Mr. Amari:

I am in receipt of your letter regarding your federal matter.

The state has custody of you and will initially proceed with the prosecution. When the state is completed with your case, then the federal government will proceed with its case.

Your concern regarding the illegal search has been noted and it is certainly my intent to pursue this issue in federal court. However, the federal judge has not yet set a schedule for the filing of pretrial motions. It appears that the federal judge will await the disposition of the state prosecution before a schedule will be set for the motions and trial in federal court.

It has always been my expectation that the state prosecution would greatly affect how the federal authorities and court view the federal allegations. If the state matter is dismissed or otherwise favorably resolved, then the federal matter may also favorably resolve itself.

The federal government has not yet given me any discovery in your case, so it is somewhat difficult to understand the strength or weakness of the federal case.

It is my intention to visit you at the Bergen County jail in the near future to further discuss your situation.

Sincerely,



Chester M. Keller
First Assistant
Federal Public Defender

LEGAL LETTER

October 6, 2010

Chester Keller, Fed. Asst. Public Defender
Office of the Public Defender
Federal Division
1002 Broad Street
Newark, NJ 07102

Joseph Amari D-83879
Bergen County Jail
160 South River Road
Hackensack, NJ 07601

Re: U.S. v. Joseph Amari

Indictment Number: _____

Dear Mr. Chester Keller, Fed. Asst. Public Defender;

It was good to see you during our last court appearance at the federal court before the Honorable Patty Shwarts, J.F.D.C., on September 9th, 2010.

I would like to request that you come and review my case with me by October 15th, 2010. We have yet to discuss the case in its entirely and I have many questions to be answered. Please bring your complete file to include a copy of the search warrant and all accompanying documents in this matter. It would be helpful to me if you brought a copy for me as well. I will also be seeking any discovery obtained thus far and the results of the investigation conducted on my behalf. My goal here is to understand and be brought up to date on the status of my case.

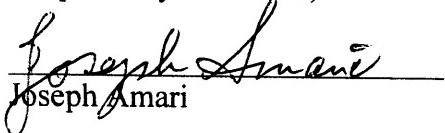
I would also like you to submit a suppression motion for the evidence recovered due to an illegal search and seizure. I am certain that the search warrant of the multi-dwelling home specified only the first floor apartment to be searched. Law enforcement officers originally removed me from the structure in preparation for the search of the first floor and then allowed me to return to my second floor apartment while they continued their investigation and prior to their leaving the premises. Only after being notified did law enforcement officers present themselves to the second floor then without warrant or notice to me or reading of any legal document; search warrant or otherwise, entered my apartment, detained me to the kitchen area while they searched the premises and would not allow me to witness the search despite my protest. I am of the belief that this should be a primary focus in this case as it has the potential to lead to a dismissal of this matter.

LEGAL LETTER

As you are aware, there is the matter of State v. Amari before the Superior Court of New Jersey, Bergen County, the Honorable Judge Jerejian, J.S.C. presiding. This matter is a direct result of the case at bar and as such suffers from the 'fruit of the poisonous tree'. I would therefore ask that this matter of illegal search and seizure be presented to the court immediately for resolution as I am preparing to seek a stay at the state level for the purposes of suppression in the state matter. I feel this is the best course of action given the federal district court has precedence over the state lower court.

Thus, it is needless to express the time sensitive nature of this matter and the need for your attention at this time. Please get back to me by the aforementioned date.

Respectfully submitted,



Joseph Amari